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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1942.

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS, a Corporation,
Petitioner,
vs.
JOHN G. PASHEA,
Respondent.
No. 641.

RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI.

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Cases Cited.

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I.

The opinion of the Supreme Court of Missouri in the case of John G. Pashea v. Terminal Railroad Association of St. Louis, which petitioner (defendant in the state courts) asks this Court to review on certiorari, has not yet been published in the official Missouri Reports. It is reported in 165 Southwestern Reporter (2d), at pages 691 to 696, inclusive. It is set forth in the record **in this court** at pages **172** to **180**, inclusive, and (on rehearing) on pages 230 to 231, inclusive.

II.

CHARACTER OF THE PASHEA CASE.

1. Pashea sued petitioner under the Federal Employers' Liability Act (45 U. S. C. A., Sec. 51) for damages for injuries received when he was precipitated from his working station upon one of petitioner's cars by reason of a negligently sudden and violent stop of the train.

2. The petition charged that "* * * because and as a direct result of the negligence and carelessness of the defendant, the said train was caused to stop with unusual and extraordinary suddenness and jerk, causing the plaintiff to be violently hurled and thrown from said train, seriously and permanently injuring him * * *." The answer was a general denial.

3. The only issue in the Missouri Supreme Court was whether the evidence made a case submissible to the jury.

III.

QUESTIONS PRESENTED BY PETITIONER.

In this Court petitioner's contentions are reducible to one, namely, that the evidence was not sufficient to justify submission of the case to the jury.

Severally, they are: 1. That respondent's testimony was contrary to physical law; 2. that respondent's evidence was so contradictory as to be self-destructive; 3. that **petitioner's** evidence was "of such a conclusive character" that, as a matter of law, the verdict should have been set aside; 4. that the opinion of the Supreme Court of Missouri amounts to an approval of a verdict and judgment based solely upon "speculation."

IV.

THE FACTS.

1.

Inadequacy of Petitioner's Statement.

Petitioner's statement of facts is, in our opinion, inadequate. Doubtless by inadvertence, (1) it omits essential facts, (2) incorrectly assumes that all the evidence is in the record, (3) contains what we believe to be inaccuracies, and (4) does not present vital evidence which appeared to the jury and trial court. In conformity to this Court's rule that a statement of facts here must contain all that is material to the consideration of questions presented, we submit the following statement for respondent. The nature of the issue here requires a full statement.

2.

Respondent's Statement of the Facts.

Petitioner's limitation of the issues in this court amounts to admissions of many things. It admits that respondent was, at the time of his injury, in petitioner's employment, as a brakeman, and was at his work, in line of duty, in interstate commerce, on top of the rear car in a sixty-three car train or "drag" (R. p. 44), and was precipitated, in some way, from his working station on the rear car, to the ground and so seriously injured that the amount of the judgment is not excessive.

The record shows the injury occurred March 12, 1940. Respondent had been working for petitioner since August 17, 1909, except for a brief time in 1920.

The night was bad. It was "raining," "dark," "spitting snow, sleeting and there was some fog." "It was as wet as though it was raining; it was misting all evening" (R. p. 45). It was a dark night, "Misty, rainy, smoky, black night" (R. p. 98). Petitioner's engineer at the

time of the injury said, "It was rainy and foggy," and that he "couldn't hardly see." The running board on top of the rear car was wet. "It was too wet to sit down" (R. p. 87).

Respondent's work was "to protect the rear end" of the train on which he was working "from anybody running into us" (R. pp. 44, 45). He was "stationed" there (R. p. 44). So says Benson, the head brakeman at the time (R. p. 100). So says Boyer, the engineer at the time (R. p. 113). Respondent got upon the top of the rear car, with his lantern, "up at the Wabash stop," when he saw the "hot shot" (a fast train hauling perishable goods) "coming around" (R. p. 47). As rear brakeman, respondent's assigned position was **on top of the rear car,** and that was the universal practice at all times in such circumstances (R. p. 60).

Respondent had no duty at all concerning the air brakes at any time (R. pp. 44, 45). Petitioner's head brakeman (Benson) said he had nothing to do with them and didn't know whether they all were connected. He testified that all matters pertaining to brakes are "left to a man that is specialized in that field" (R. p. 106). Benson had been railroading since 1903. The "specialist" did not testify.

The crew of the train in question consisted of respondent, the rear brakeman, Benson, the head brakeman, Boyer, the engineer, Lotz, the foreman (or "conductor") and Porterfield, the fireman. Every one who was asked about the other members of the crew answered correctly as to names and functions except the engineer, Boyer. Boyer became confused (R. p. 113), hesitated, and then named **Hargis** as fireman that night (R. p. 113). The fireman was **Porterfield** (R. pp. 142, 143). It was not Porterfield's "regular" run. He was "only an emergency man at that time." "Was furloughed at that time." He testified on direct examination by Mr. Sheppard that he was on the engine "when all this took place," but didn't

know "anything about it; * * * only what I was told" (R. pp. 142, 143).

Boyer, the engineer, was 55 years old (R. p. 121) at the time his deposition was taken March 14, 1941 (R. p. 111), just one year and two days after respondent was hurt. He, Boyer, **"went to work" for the petitioner in** February, 1910 (R. p. 121), he said, and then said he had been an engineer "off and on" since 1912, but is "back firing sometimes, and an engineer whenever I can" (R. p. 122), but "am a regular engineer now." He "acted" as a fireman about three years, "in the summer of 1933, 1934 and 1935," and had been regularly employed as an engineer since (R. p. 122). He testified he had been on the run in question "since March 1, 1940," **just eleven days before respondent was injured** (R. p. 124, at bottom).

He testified further that his deposition was being taken at his home because of his **illness.** Then (R. p. 123) this followed: "What is the nature of your illness? A. Well, **just nerves, and I can't walk good.**" He said he had been suffering from his ailment a good while and had been "off work" four and one-half months. He also testified his illness (R. p. 122) "had been **gradually coming on**" (R. p. 123).

He further testified:

> "Q. How long had you noticed that gradual development of your physical condition? A. About a year. Q. So that, on **March 12, 1940**" (the date of respondent's injury) "you were not in the best of health? A. No. Q. You were under a doctor's care **at that time**" (the date of respondent's injury), "Mr. Boyer? A. Yes. Q. What was your doctor's name? A. Dr. Harry Kline. Q. * * * **Had you been under his care for some time?** A. Yes. Q. But you had been working regularly? A. Yes" (R. p. 123).

At the time respondent was hurt nobody except Boyer, the sick engineer, and Porterfield, the substitute fireman

(who says he "didn't know anything about it"), was on the engine. Benson, the head brakeman, was on the ground thirteen car lengths **back** of the engine (R. p. 102). Lotz says he was not on the engine at that time (R. p. 138). Respondent's station was on the rear car and he was there. Boyer is the only man, except respondent, who was then on the train at all, excepting Porterfield, who was on the engine, but gave no testimony as to the stop (R. pp. 142, 143).

There were three "regular stops" between Madison and East St. Louis. Respondent testified that two "regular stops" were made before he was hurt (R. p. 46) and the next "regular" stop would be at St. Clair avenue (R. p. 46).

There was adequate evidence that there was a stop for "not very long" before the locomotive crossed St. Clair avenue (R. pp. 78, 79). It was "about a regular stop" (R. p. 79) in character. Respondent was not hurt there (R. p. 79). The train then started up again (R. p. 79) and ran about fourteen car lengths (about 560 feet) before respondent was hurt (R. pp. 79, 83). There was evidence that the train had attained a speed of eight, ten or twelve miles an hour when respondent was hurt (R. pp. 101, 69, 117, 133).

Roach, appellant's first witness, a railroad man, not an employee of petitioner, was first to reach respondent after the latter was hurt. He testified that respondent was lying between the rails, **four or five feet from the rear end of the rear car** (R. p. 96, at bottom). Other evidence showed that respondent's head was nearest the car, and his feet farther away (R. pp. 61, 62, 67).

When respondent was injured the train was in a considerable "or rather steep" curve, so Benson, the head brakeman, testified (R. p. 109). So says respondent (R. pp. 61, 66). In fact, the curve through which the train was then passing was such that the train, though headed

east before it reached the curve, yet after it "made the curve," was headed **south** (R. pp. 109, 47).

Boyer, the engineer (R. p. 130), testified:

> "Q. So when you take a long train, if you brake it by using the 'straight air' ('engine air'), why, **the rear cars would have a tendency to sorta whip**—— A. (Interrupting) **Yes.**
> Q. ——**and swing around?** A. **Yes.**"

There is adequate evidence that the effect of an "engine air" stop (in fact, any violent stop) is to make the rear car "buckle and twist" (R. p. 48) and "jerk and swing" (R. p. 61), and that effect is greater on a long train than a shorter one (R. pp. 61, 108). Lotz, the conductor, said that a "dynamiter" would make rear cars "buck and jump a little bit," **but "not like stopping the train with an engine"** (R. p. 140), i. e., with "engine air" brakes. Lotz also testified that if a long train is stopped with "automatic air" (train air) **"all cars stop almost simultaneously"** (R. p. 138).

The nomenclature used in testifying about air brakes is to be kept in mind. "Engine air" is, also, varyingly called "straight" air or "independent air" (R. p. 107). "Engine air," under either name, "puts the brakes on the engine and tank" (tender) only, and "not on the cars" (R. pp. 89, 118). "Automatic air" is where the air brakes all along the line of the train are coupled up and used to stop (R. p. 118). That is also called "train air" (R. p. 105, at bottom), or "train line air."

Benson, petitioner's head brakeman, testified that "if the engineer makes a sudden application of the **'engine air,' that simply glues the wheels of the tank and the engine to the rails and stops them** * * * and that is a sudden jar of the train, * * * providing you are going at that kind of speed" (R. p. 107). Benson then testified:

"Q. You mean the stop at St. Clair? A. Yes, sir; we made our permanent stop and took our head end; he applied train air.

Q. **You say he used 'train air' on a long train to make a stop?** A. **'Engine air'** " (R. p. 110).

(This was the stop which hurt respondent [R. p. 61].) The controversy about stops is whether the train stopped momentarily before reaching St. Clair avenue, or merely slowed down (R. pp. 76, 102). There is adequate evidence that respondent was hurt when the stop was made after the engine crossed St. Clair avenue (R. p. 81, respondent, and p. 103, Benson). That stop was the one made for the cutting off of the head thirteen cars. Respondent testified the stop was from the application of "straight air," the same as "engine air" (R. p. 48), and testified to its effect and to a long service (over thirty years) and to experiences of an unfortunate nature involving stops of a violent nature from the use of "engine air" (R. p. 88). Lotz testified that the "slow down" he says was made, **"the first time,"** was made with "engine air," but that he was not on the engine when the stop which hurt respondent was made (R. p. 141), and that Boyer was "wrong if he said he never applied 'engine air' at all" (R. pp. 140, 141).

"Q. You saw him apply it? A. Yes, sir."

Benson, the head brakeman, first testified that the stop was made with "automatic air" (or "train air") and described in detail how he had **reasoned it out** that it was "automatic air" (R. pp. 103, 104), but later (R. p. 110) he testified, on redirect examination, that it was made with **"engine air"** (R. p. 110). Lotz testified (R. p. 138) that the longer the train is, if a stop is made with "straight air" (engine air), "you run more slack in, as a rule, up against the engine, and if the stop is made with **"automatic air"** (train air) **"all cars stop almost simultane-**

ously'' (R. p. 138). He further testified that there wouldn't be "a very severe jolt" if the train was moving at six miles an hour, upon the application of "engine air," but "as you increase the speed the jolt gets harder" (R. p. 138). (There is evidence that the train was running eight, ten or twelve miles an hour when the violent stop was made. The rate was for the jury.)

Lotz also said that the "behavior of the rear car on a train as long as this would depend upon the load in the car and the condition of the track" (R. p. 139).

The record shows that in describing "jolts," and the like, from using air brakes, appellant's witnesses were describing "careful" stops (R. pp. 110, 105). Appellant's witness Benson said that from his experience since 1903 (in petitioner's service) he knew that **"as a matter of fact,** you cannot tell each time what you are going to get back there; they" (the rear cars) "act one way at one time and another at another. **But it is a dangerous practice for an engineer to stop suddenly, when he has to brake, because of the cars in the rear"** (R. p. 108). "Dynamiters" appear in the record as **themselves the cause of dangerously sudden stops.**

Benson, the head brakeman, testified he had been railroading since 1903 (in appellant's service) and felt "pretty much at home in that service." He testified that a **"dynamiter is a car that has a dirty triple valve;** they have **corrosion on them,** and that is why the Interstate Commerce Commission, the National Government, **requires they go through them"** (the air brakes on the cars) **"often and clean them out,** and when those tin plates have this corrosion, I cannot explain it clear, but they will cause some kind of combustion in there, that will cause your brakes to stick, **and it may cause your entire train to do a quick action,** but a dynamiter **is a dirty triple valve''** and **"so if there's a 'dynamiter'** on the train and the 'train air' ('automatice air') **is applied, you have a**

very sudden stopping, and any cars back of it" (R. pp. 106, 107). The "specialist" and "inspector" of air brakes for appellant was not called as a witness (R. p. 106).

Lotz said (R. p. 140) that a dynamiter "would cause the cars back of it **to buck and jump** a little bit," but **"not like stopping the train** with an engine" (R. p. 140) (engine air).

Respondent testified (R. pp. 89, 90) that on a "dynamiter" "the air sets on the car much quicker than any of the rest of them, and it will cause much the same thing (as an 'engine air' stop), if not worse, on the rear end." "It is a peculiar condition in one particular car that sets the brakes on that particular car quicker than the others." Benson (R. p. 110) finally testified that the jars and jolts depend upon **"who operates the engine." In this case Boyer was operating it.** His condition is described heretofore in this "Statement." He was, at the time, suffering from a "nervous" disorder. Benson further testified that "an engineer **can** take and use a brake, an engine brake, **by being careful,** on a speed of ten miles an hour and never jar his train anywhere along his entire train" (R. p. 110). **"It depends on who operates it"** (R. p. 110). A proper stop is made by cautious, and gradual, and successive light applications of the brakes (R. p. 107, at bottom, and pp. 104, 105).

Boyer testified (R. pp. 130, 131) that there was never "at any time" anything "that loomed up in front" of him that caused him to "make any sudden stop," and "no stop was made on that run as the result of anything suddenly appearing in front of" the train. He said that "there was no emergency stop made at all" (R. p. 131).

Respondent testified that at the time he was thrown from the rear car he was standing on top of the car (its running board) "only eight feet from" the rear car's rear end (R. p. 70). He described the place of the stop and, as

to its character, testified that the "train was stopped all of a sudden with a **terrific stop.** * * * It stopped unusual, and buckled and twisted in every shape" (R. p. 48), and it "knocked him from the train" (R. p. 49); "the sudden jerk and sudden stop, it knocked me off the rear end" (R. p. 61); "I was thrown right off the rear end and I hit the ground and fell toward the train" (R. p. 61) "and fell on my right side" (R. p. 62); that he "got no warning; the first intimation I got was the jar, and then I was thrown off" (R. p. 64); "I was knocked off sideways, right off the back of the train" (R. p. 67); "just knocked off" (R. p. 69); "I was knocked clean clear of the coupler and also the brake shaft" (R. p. 74). There was ample testimony that the stop made the car "whip" and "swing" and "jerk" and "wrastle around" (R. p. 61), and testimony of appellant's employee witnesses that such a stop as respondent testified to would make a rear car on such a train "whip" and "swing" and "buckle," and other testimony warranting the jury in finding that the brakes were released as the stop ended. Respondent testified (R. p. 61) to more than one impulse given him by the stopping, the jerk and the whipping, swinging, buckling and the like. He used the word "knock," to sum up the result, in the sense in which he used the same word to indicate what happened when other stops caused him to fall (R. p. 88). There is evidence that warranted the jury in refusing to accept, on the trial, the rigid meaning in which petitioner's counsel used the word "knock" in his argument below and uses it in this court (R. p. 88). Counsel for petitioner and the respondent and his counsel, at the trial, frequently used different words (R. pp. 57, 61, 64, 71, 83, 88). Respondent was badly injured (R. p. 96). Respondent testified that he "was five feet away from the wheels" (R. p. 63); his head was closer to the train (R. p. 67) and he was in the center of the track (R. p. 68).

Respondent had experienced previous "awful jolts" from sudden application of brakes and "got knocked down on top several times" in his thirty odd years service as a brakeman, but "was not knocked off" (R. p. 88). Respondent testified he never saw over six or seven such stops in all of his thirty odd years experience as a brakeman for petitioner. (He, in an answer, started to relate details, but was stopped by petitioner [R. p. 48]). The first thing respondent did after he struck the ground between the rails was to look for the wheels. Railroad men are trained "to look for the wheels" (R. p. 49). When respondent looked the train was "standing still" (R. p. 49). Respondent's condition was such that he couldn't get out from between the rails (R. p. 49). His injuries (R. pp. 13, 14, 23, 31, 32) show a condition that prevented his moving his body.

The matter of respondent's exact position on top of the rear car when he "was knocked off sideways * * * right off the back of the train, but knocked off sideways" (R. p. 67) (on cross-examination of respondent) was gone into by petitioner's counsel at length.

The record shows that cross-examining counsel first elicited the answer from respondent that he was standing on the rear car's running board at the time he was thrown from the rear car, and was "facing sideways, towards the National Stock Yards crossing," and "the train was moving east," and he was facing "I would call it northwest" (R. p. 65). Respondent's deposition had been taken, in which appellant's counsel had assumed, "for convenience," that the train was moving **south** on a straight track, whereas it was in a curve. Counsel tried to show contradiction with that deposition. The seeming contradictions are explained and shown to be due to mere differing assumptions (R. p. 66) made by petitioner's counsel which did not accord with the compass or the curving track.

Again (R. p. 69, at bottom) cross-examining counsel resumed the matter of exact position of respondent at the time he was "knocked off" of the rear car. First, he used a "writing board" with the "clip on it" and he and respondent talked about it at some length, and petitioner's counsel and respondent did considerable "indicating" of respondent's exact position and movements at the moment when the violent stop was made, **and did this in the jury's presence. Nothing in the record here now shows what the jury then saw of these things.** Again (R. p. 70) more "indications" were made in the jury's presence. This record does not show what was then "indicated" by either petioner's counsel or respondent—collaborating. Again (R. p. 71), the train which, for the purposes of a deposition, had been assumed to be going **south** (R. p. 65), was assumed **before the jury** to be going **east** (R. p. 71). Other "indications" were given, but not one of them is shown here. Other like "indications" as to position of respondent appear (R. p. 86) which do not appear here in the record, though they were before the jury. Without their being shown here, **it is not possible to know what counsel for appellant, the respondent, the trial judge and the jury** saw at the trial in that connection, however clear it was to them, **with all the "indications" before them.** The jury heard all the testimony and saw all the "indicating" that was done in its presence, and found for respondent. The trial judge heard and saw the same things, and overruled the motion for new trial.

V.

EXCERPTS FROM THE OPINION OF THE MISSOURI SUPREME COURT.

1.

The opinion of the Missouri Supreme Court (including the opinion on rehearing) appears in the transcript of record in this court, at pages 172 to 180, inclusive, and (on rehearing) at pages 230 and 231, inclusive. It is not yet printed in the Missouri Official Reports.

2.

(1) The opinion (1) states the issues (R. 173), (2) states certain facts the record shows, including (3) facts concerning "plaintiff's version" of the happening here in question, and (4) shows that plaintiff (R. 174) **"demonstrated before the jury to show how the forces applied in the stop operated."**

(2) The opinion (R. 174, 175) states petitioner's contention as to physical law and, in this connection, states, verbatim (R. 175), more of respondent's testimony as to the cause and manner of his fall (R. 175).

(3) It then properly distinguishes the cases there cited by petitioner as to physical law (R. 175).

3.

The Missouri Supreme Court's opinion then proceeds (R. 175, 176, 177) as follows:

> "Defendant's argument here is based upon the assumption that only one single force could have been applied to plaintiff. It is true that part of plaintiff's cross-examination, other than that above quoted, would be susceptible of the construction for which defendant contends. However, when all of plaintiff's testimony is considered together most favorably to

his claim (as it must be in ruling the sufficiency of his evidence to make a jury case) there is substantial evidence to show that the first force applied in the stop did operate in the direction defendant says the law of inertia would operate, but that plaintiff was not thrown forward by it because he was braced against it. It does not seem unreasonable to believe that there would be some jerk back or rebound immediately from such a sudden stop. It is true that plaintiff said it happened quickly (indicating with a snap of his fingers), but only such a sudden stop would likely have caused him to lose his balance. Therefore, we think it would be reasonable for the jury to find that there was in operation more than a single force in one direction only; that there was a sudden jerk, shake or rebound as well as a sudden slackening; that the forces applied in bringing the train to a sudden stop operated both forward and backward; and that the plaintiff would not be thrown down forward when braced against a force operating in that direction but could, because of the violence of that force, and slick condition of his footing, lose his balance so as to be thrown off the end of the car by subsequently acting forces from those movements which he described as 'buckled,' 'twisted,' 'jerked,' 'swung around' and 'wrestled around.' "

(The opinion then disposes of the matter of "slack" to which petitioner refers.)

The opinion then (R. 176, 177) proceeds:

"Moreover, in such a sudden emergency the jury might reasonably consider that the time element seemed shorter to him" (Pashea) "than it was and that he could not 'relate all the acrobatic movements performed' (Pettyjohn v. Interstate Heating and Plumbing Co. [Mo. Sup.], 161 S. W. [2d] 248, l. c. 251). In consideration of all that plaintiff said we do not think we would be justified in disregarding his testimony as in violation of physical law and impossible. We

> have often said that 'so frequently do unlooked-for results attend the meeting of interacting forces that courts should not indulge in arbitrary deductions from physical law except when they appear to be so clear and irrefutable that no room is left for the entertainment, by reasonable minds, of any other' " (citing numerous decisions).

4.

Thereupon (R. 177) the opinion fully distinguishes Gulf, Mobile & Northern R. Co. v. Wells, 275 U. S. 455 (cited here), and (R. 177, 178, 179) settles the matter of knowledge of Pashea's position on the rear car of the train.

5.

The opinion (R. 178, 179) proceeds to show that (1) there was no reason for a violent stop; (2) that petitioner's engineer was unfamiliar with the run, and (3) was, and long had been, ill, and (4) under care of a physician for a serious "nervous" condition, and proceeds:

> "Plaintiff here related what occurred and, according to his testimony, this caused him to be thrown off the end of the car. There is no dispute about the fact that he did fall from the rear car, and it was for the jury to say whether it believed his testimony as to what occurred and its effect" (the Court mentions different kinds of brakes and continues) "so far as appears there could have been a negligently violent stop by either method, especially under weather conditions shown and plaintiff's precarious position."

6.

The opinion then holds that "plaintiff's evidence made a jury issue as to the negligent violence of the stop in question."

7.

The opinion (R. 179) next discusses and disposes of petitioner's present claim that the federal courts have a rule which requires trial courts to set aside plaintiff's verdict on a theory that defendant's evidence (oral) is so strong as to erase respondent's evidence. The Court, in its opinion (R. 179), calls attention to the fact that in Hardin v. Illinois Central R. R. Co., 334 Mo. 1169, 70 S. W. (2d) 1075, it had discussed this very point, and that the opinion considered the decisions of this Court (cited in the Hardin case and cited in this court), and held that there was no such rule, after reviewing the decisions of this Court from the time of Marshall and Story to date. It also pointed out that this Court (293 U. S. 574, 55 S. Ct. Rep. 86, 79 L. Ed. 672) **denied certiorari aimed at Hardin v. Illinois Central R. R. Co.**, supra.

8.

The Missouri Court's Opinion on Motion for Rehearing (R. 230, 231) fully answered petitioner's claim in that court and in this case, that the main opinion was based upon fragmentary and self-conflicting evidence of Pashea.

The opinion on the motion for rehearing on this point says:

> "We fully agree that plaintiff's testimony must be considered as a whole, and that, if so viewed, it is so completely contradictory that one part destroys the other, then it amounts to nothing, is not substantial evidence, and will not sustain a verdict (citing cases). However, we do not think this true of plaintiff's evidence in this case, and we have explained why we so ruled. We have also explained why we do not consider plaintiff's account of the occurrence and its results to be impossible. We think the jurors could understand what it means to brace oneself against the operation of the law of inertia (whether standing in a farm wagon,

in a bus or on top of a freight car); also that the effect of a sudden stop might unbalance one so braced (especially on slippery footing) even if his bracing has prevented him from being thrown forward; and, further, that when cars are coupled together the slack in the couplings can operate both ways when there is a sudden stop. Plaintiff's account was not as perfect a description as might have been made by a professor of English, but we think it was sufficient to show that there were forces operating both ways. (In fact it is almost impossible to believe there would not be a rebound of cars coupled together from such a stop.) Furthermore, we think that the interpretation of plaintiff's descriptive terms 'shake,' 'jerked,' 'twisted,' etc., was for the jury in the light of all the facts and circumstances they believed to be true from the evidence; and that plaintiff's testimony, taken as a whole, provided a reasonable basis for their verdict. The motion for rehearing is overruled."